LAWS OF THE COMMONWEALTH

ESTABLISHING

AND DEFINING THE POWERS OF

THE BOSTON BOARD OF HEALTH;

WITH THE

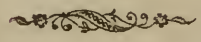
RULES,
ORDERS AND REGULATIONS

OF SAID BOARD

RELATIVE TO INTERNAL HEALTH,

QUARANTINE OF VESSELS,

BURYING GROUNDS, &c.



PUBLISHED BY THE BOARD.

LAWS, &c.

RELATING TO

THE BOSTON BOARD OF HEALTH.

An Act to empower the Town of Boston to choose a Board of Health, and to prescribe their power and duty.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the inhabitants of the town of Boston, qualified to vote for town officers, shall, on the first Wednesday of April annually, meet in their respective Wards, at such time and place as may be appointed by the present and succeeding Boards of Health of said town, and published in two of the newspapers printed in said town, seven days previous to the time of meeting, and choose one able and discreet person, being a freeholder and resident within the Ward for which he shall be chosen, to be Member of a Board of Health, which Board shall consist of one person from each Ward, chosen by a majority of the voters present, and by ballot: And the Members of the Board of Health, for the time being, shall preside each in his respective Ward, at such meetings; and on the neglect of either of them, a Committee chosen by the Ward shall preside until a Clerk for such Ward is chosen by a majority of the voters present; whose duty it shall be to preside at future meetings of said Ward, for the ensuing year, to call for the votes, receive, count and declare the same in open meeting; and in case it shall appear that no choice has been made, the ballot shall be repeated until a person shall be elected, at whose dwelling-house the Clerk shall, on the same day, leave a written notification of his being chosen as aforesaid; and upon his refusal or non-acceptance within four days, after notice as aforesaid, the Clerk shall summon a new meeting of the inhabitants of his Ward, at a time and place to be specified in two of the newspapers as aforesaid, three days at least previous to the intended meeting. *Provided however,* in case of refusal to serve of

Times of choosing Members.

Powers of Clerk.

any perſon, at the time of his election in any Ward, the ſaid Ward ſhall proceed to a new choice; and in caſe of the acceptance of any perſon choſen as aforeſaid, the Clerk of the Ward, where ſuch perſon is choſen, ſhall notify the Preſident of the Board of Health for the time being, or in caſe of his death or abſence from Boſton, the oldeſt Member of ſaid Board, of ſuch choice, within twenty-four hours after ſuch choice is made; and in all caſes the ſaid Board of Health for the time being ſhall continue in power and office until a new Board is choſen and organized agreeable to the proviſions of this Act. And the Preſident of the Board of Health, for the time being, or in caſe of his death or abſence from the town of Boſton, or incapacity to attend, the oldeſt Member of ſaid Board preſent, ſhall, within five days after the return made to him, by two thirds of the Clerks of the Wards aforeſaid, where and when two thirds of ſaid Members of ſaid Board of Health are choſen as aforeſaid, notify the new Members choſen and returned as aforeſaid, to meet at the uſual place of the meeting of ſaid Board, and ſhall at ſuch meeting preſide until a Preſident and Secretary ſhall be elected by the Members of ſaid new Board, for ſaid Board; and he hereby is authorized to adminiſter to ſuch Secretary an oath faithfully to record all the votes, orders, proceedings and regulations of ſaid Board, and faithfully to perform all the duties of his ſaid office, during his continuance therein; which oath ſhall be entered and ſubſcribed by ſuch Secretary on the records of ſaid Board, and atteſted by the perſon adminiſtering the ſame; after which ſuch Secretary ſhall have the cuſtody of the records, books and papers of ſaid Board; and a certified copy of the votes, orders, proceedings and regulations of ſaid Board, or a certified copy from the records of ſaid Board, by ſuch Secretary thereof, ſhall be received and admitted as evidence in all caſes relating to the proceedings or concerns of ſaid Board.

Powers of President.

Regulations.

SECT. 2. *Be it further enacted*, That ſaid Board of Health ſhall have power, and it is hereby made their duty, to examine into all cauſes of ſickneſs, nuiſances, and ſources of filth that may be injurious to the health of the inhabitants of the town of Boſton, which do, or may exiſt within the limits of the town of Boſton, or on any iſland, or in any veſſel within the harbour of Boſton, or within the limits thereof, and the ſame to deſtroy, remove or prevent, as the caſe may require; and whenever ſaid Board ſhall think it neceſſary for the preſervation of the lives or health of the inhabitants of Boſton to enter forcibly any building, or veſſel, having been refuſed ſuch entry by the owner or occupier thereof, within the limits of the ſaid

Powers.

town of Boſton or the harbour thereof, for the purpoſe of examining into, deſtroying, removing or preventing any nuiſance, ſource of filth, or cauſe of ſickneſs aforeſaid, which ſaid Board have reaſon to believe is contained in ſuch building or veſſel—any Member of ſaid Board, by order of ſaid Board, may apply to any Juſtice of the Peace, within and for the county of Suffolk, and on oath complain and ſtate, on behalf of ſaid Board, the facts as far as ſaid Board have reaſon to believe the ſame relative to ſuch nuiſance, ſource of filth or cauſe of ſickneſs aforeſaid; and ſuch Juſtice ſhall thereupon iſſue his warrant, directed to the Sheriff of the county of Suffolk, or either of his Deputies, or any Conſtable of the town of Boſton, therein requiring them or either of them, taking with them ſufficient aid and aſſiſtance, and alſo in company with ſaid Board of Health, or ſome two Members of the ſame, between the hours of ſunriſe and ſunſet, to repair to the place where ſuch nuiſance, ſource of filth or cauſe of ſickneſs complained of as exiſting as aforeſaid; and there, if found, the ſame to deſtroy, remove or prevent, under the directions and agreeable to the order of ſaid Board of Health, or ſuch Members of the ſame, as may attend and accompany ſuch officer for ſuch purpoſe. *Provided however*, Proviſo. that no Sheriff or Deputy Sheriff ſhall execute any civil proceſs, either by arreſting the body or attaching the goods and chattels of any perſon or perſons under colour of any entry made for the purpoſes aforeſaid, unleſs ſuch ſervice could by law have been made without ſuch entry; and all ſervices ſo made, under colour of ſuch entry, ſhall be utterly void, and the officer making ſuch ſervice ſhall be conſidered as a treſpaſſer to all intents *ab initio*. And in all caſes where ſuch nuiſance, ſource of filth, or cauſe of ſickneſs ſhall be removed, deſtroyed or prevented, in manner aforeſaid, the coſt of ſo removing, deſtroying or preventing the ſame, together with all coſts attending the proceedings relative thereto, ſhall be paid by the perſon or perſons, who cauſed or permitted the ſame nuiſance, ſource of filth, or cauſe of ſickneſs to exiſt, or in whoſe poſſeſſion the ſame may be found. And in all caſes where any contagious and malignant diſorder exiſts, within the limits of the town of Boſton, or on board of any veſſel, or on any iſland within the harbour of Boſton, and it appearing to ſaid Board of Health, after the ſame has been examined into by the Phyſician of ſaid Board, or ſome other reſpectable Phyſician of the town of Boſton, that the public ſafety requires that any perſon or perſons affected with any contagious, malignant diſorder, ſhould be removed to the Hoſpital on Rainsford Iſland, or to any other place within the limits of ſaid town of Boſton, or

any iſland in the harbour of Boſton, or ſhould be confined or remain in the place where ſuch perſon or perſons thus affected then are; in every ſuch caſe the ſaid Board of Health ſhall paſs an order relative to the ſame, which order, all perſons dwelling in or occupying ſuch place, building or veſſel, notified thereof by ſaid Board, or called on by ſaid Board, ſhall be obliged to obey; and any perſon refuſing to obey ſuch order, or reſiſting any officer or perſon acting under the authority of ſaid Board, or any Member of ſaid Board, in any of the duties or requirements in this ſection of this Act, ſhall ſeverally forfeit and pay for ſuch offence a ſum not leſs than five, and not exceeding five hundred dollars, according to the nature and aggravation of the offence.

Rules and orders.

Sec. 3. *Be it further enacted*, That the ſaid Board of Health ſhall have power to make ſuch rules, orders and regulations, from time to time, for the preventing, removing or deſtroying of all nuiſances, ſources of filth and cauſes of ſickneſs within the limits of the town of Boſton, or on board any veſſel, or on any iſland in the harbour of Boſton, which they may think neceſſary; which rules, orders and regulations, from and after the ſame have been publiſhed in two newſpapers, printed in the ſaid town of Boſton, ſhall continue in force and be obeyed by all perſons, until changed, altered or repealed by the ſame Board who made them, or by ſome ſucceeding Board of Health. And any perſon or perſons who diſobey or violate any ſuch rules, orders or regulations, ſo as aforeſaid made by ſuch Board, ſhall ſeverally forfeit and pay for ſuch offence, a ſum not leſs than one, and not more than fifty dollars, according to the nature and aggravation of ſuch offence.

May ſeize and deſtroy proviſions.

Sec. 4. *Be it further enacted*, That the ſaid Board of Health ſhall have power to ſeize, take and deſtroy, or to remove to any ſafe place without the limits of the town of Boſton, or cauſe the ſame to be done, any unwholeſome and putrid or tainted meat, fiſh, bread, vegetable or other articles of the proviſion kind, or liquor, which in their opinion, firſt conſulting the Phyſician of ſaid Board, or ſome other reputable Phyſician of the town of Boſton, ſhall not be fit for food and nouriſhment, and injurious to the health of thoſe who might uſe the ſame: And the coſt of ſuch ſeizing, taking, deſtroying or removing ſhall be paid for by the perſon or perſons in whoſe poſſeſſion the ſame unwholſome, putrid, or tainted article ſhall or may be found.

Sec. 5. *Be it further enacted*, That the ſaid Board of Health ſhall have power, from time to time, to make and eſtabliſh all ſuch rules, orders and regulations relating to clothing or any

article capable of containing or conveying any infectious diſeaſe, or creating any ſickneſs, which may be brought into, or conveyed from the town of Boſton, or into or from any veſſel, or on or from any iſland in the harbour of Boſton, as they ſhall think proper for publick ſafety, or to prevent the ſpreading of any dangerous or contagious diſeaſe. And all ſuch rules, orders and regulations, ſo as aforeſaid by ſaid Board made and eſtabliſhed, ſhall be obeyed by all perſons from and after the ſame have been publiſhed in two of the newſpapers, printed in the town of Boſton, and ſhall continue to be in full force until altered or repealed by the Board who made and eſtabliſhed the ſame, or ſome other ſucceeding Board; and every perſon who ſhall diſobey or violate any of ſuch rules, orders and regulations, ſhall forfeit and pay a ſum not leſs than one dollar, and not more than one hundred dollars, according to the nature and aggravation of ſuch offence. Fines.

Sec. 6. *Be it further enacted*, That the ſaid Board of Health ſhall have power to eſtabliſh and regulate the quarantine to be performed by all veſſels arriving within the harbour of the town of Boſton; and for that purpoſe ſhall have power, from time to time, to eſtabliſh, make and ordain all ſuch orders, rules and regulations relating to ſaid quarantine, as ſaid Board ſhall think neceſſary for the ſafety of the publick and the ſecurity of the health of the inhabitants of the ſaid town of Boſton; which ſaid rules, orders and regulations, ſo as aforeſaid eſtabliſhed, made and ordained, ſhall be obeyed by all perſons, and ſhall continue to be in force from and after the ſame ſhall have been publiſhed in two newſpapers, printed in the town of Boſton, until the ſame are altered or repealed by the ſaid Board eſtabliſhing, making and ordaining the ſame, or by ſome ſucceeding Board of Health. And ſaid rules, orders and regulations may extend as well to all perſons arriving in ſuch veſſels, and to their property and effects aboard ſuch veſſels, and to all ſuch perſons as may viſit, or go on board ſuch veſſels, after their arrival in ſaid harbour of Boſton, and to the cargo of all ſuch veſſels, as to the veſſels themſelves; as alſo to every matter and thing relating to, or connected with ſuch veſſel, or the cargo of the ſame, or to any perſon or perſons going on board or returning from the ſame; and every perſon who ſhall knowingly or wilfully violate or diſobey any of ſuch rules, orders and regulations, ſo as aforeſaid made, eſtabliſhed or ordained by ſaid Board of Health, ſhall ſeverally forfeit and pay a ſum not exceeding five hundred dollars, according to the nature and aggravation of ſuch offence. And the Board of Health ſhall have power at all times, to cauſe any veſſel arriv- Quarantine. Fines.

ing in the harbour of Boſton, which is foul and infected, or whoſe cargo is foul and affected with any malignant and contagious diſeaſe, to be removed and placed on quarantine ground, and the ſame to be thoroughly cleanſed and purified at the expenſe and charge of the owners, conſignees or poſſeſſors of the ſame; and alſo all perſons arriving in or going on board ſuch infected veſſel, or handling ſuch infected cargo, to be removed to Hoſpital or Rainsford Iſland, under the care of ſaid Board, and to the Hoſpital on the ſame, there to remain under the orders and regulations of ſaid Board. All expenſes incurred on account of any perſon under the quarantine rules, orders and regulations of ſaid Board of Health, ſhall be paid by ſuch perſons.

Officers appointed for Hoſpital Island.

SEC. 7. *Be it further enacted*, That ſaid Board of Health ſhall have power, and it ſhall be their duty to elect and appoint a principal Phyſician to ſaid Board, who ſhall reſide in Boſton, and an aſſiſtant Phyſician, who ſhall, during the time of quarantine, reſide on Hoſpital Iſland, alſo an Iſland-Keeper, to reſide on ſaid Hoſpital Iſland, Boatmen and ſuch other Officers and Servants as will be neceſſary to carry into effect the rules, orders and regulations of ſaid Board of Health, as it reſpects the quarantine; and ſhall preſcribe to them their duty, and eſtabliſh their ſalary and fees, and diſplace or remove them at pleaſure, and elect and appoint others in their places; alſo ſaid Board ſhall, from time to time, eſtabliſh and regulate the fees or expenſes attending the ſaid quarantine regulations, ſhall have the care of ſaid Rainsford or Hoſpital Iſland, and of the Hoſpital on the ſame, and of all property on ſaid Iſland and belonging to or connected with the Hoſpital on the ſame; and ſhall annually in the month of January in each year, file in the Secretary's Office of this Commonwealth, an exact and true account of the ſtate of the property in and connected with the Hoſpital eſtabliſhment on ſaid Iſland, and of the property belonging to the Commonwealth on ſaid Iſland, and of all money expended thereon.

Scavengers and Funeral Porters.

SEC. 8. *Be it further enacted*, That ſaid Board of Health ſhall have power to elect and appoint Scavengers, Superintendants of burying grounds, Funeral Porters or Undertakers, and ſuch other Officers and Servants, as ſhall be neceſſary to carry into effect all the powers and duties in this Act given to, or required of the ſaid Board of Health, and to fix and eſtabliſh their fees of office or compenſation; and all officers elected or appointed by ſaid Board, ſhall be removeable from their ſaid offices, at the pleaſure of ſaid Board, and others ſubſtituted,

elected or appointed in their place. And a majority of said Board shall be competent to transact any business which the whole Board, were they all present, might or could transact.

SECT. 9. *Be it further enacted*, That all the powers and duties which are given to, or required of the Selectmen of the town of Boston, by a law of this Commonwealth, passed the twenty-second day of June, in the year of our Lord one thousand seven hundred and ninety-seven, entitled "An Act to prevent the Spreading of contagious Sickness," and by the several acts in addition thereto, shall be, and they hereby are transferred to and made the duty of the Board of Health of the town of Boston, any thing in said laws to the contrary notwithstanding. And for all expenses which may arise in the execution of their duty, the said Board of Health shall be authorized to draw upon the Town Treasurer of the town of Boston; and the accounts of said Board, including all receipts and expenditures of money, shall be examined by the Committee of accounts annually chosen by said town of Boston for that purpose, who shall report a state of them to the said town accordingly, and the same shall be paid by the Treasurer of said town of Boston. And on the death or resignation of any Member of said Board of Health, the said Board may cause such vacancy to be filled by a new election from the Ward from which said Member was elected, by directing the Clerk of such Ward to call a meeting of the inhabitants of such Ward, qualified to elect a Member of the Board of Health, to meet at such time and place, as shall be notified to him by said Board; at which meeting such vacancy shall be filled, and such proceedings be had as are directed in the first section of this Act, as to the choice and return and notification of the person elected as a Member of said Board as aforesaid.

Transfer of powers.

Expenses.

Vacancies filled up.

SECT. 10. *Be it further enacted*, That whenever any prisoner confined in the gaol in Boston, or within the limits of said prison, shall be attacked with any contagious, malignant disorder, which in the opinion of said Board of Health, first having consulted with the Physician of said Board, or some other respectable Physician of the town of Boston, endangers the safety and health of the other prisoners in said gaol, or the inhabitants of said town, and that the suffering such prisoners, so attacked as aforesaid, longer to remain in said gaol, or within the limits of said prison, is not consistent with the public safety, or the health of the inhabitants of said town, or the prisoners in said gaol; in every such case, the said Board of Health shall make application in writing to any two Justices of the Peace, *quorum unus*, therein stating the facts relative to such case; and the said Jus-

May remove sick prisoners.

tices to whom ſuch application ſhall be made, ſhall examine into ſuch caſe, and if ſatisfied that the facts ſtated are true, ſhall iſſue their warrant to ſaid Board of Health, authorizing and directing them to remove ſaid priſoner ſo attacked with ſuch contagious and malignant diſorder, to the Hoſpital on Rainsford Iſland, or to ſome other place of ſafety, there to remain under the directions of ſaid Board, until ſuch priſoner either recovers or dies; and in caſe of recovery, then to be returned by ſaid Board to the place from which he was taken; and ſuch warrant ſo executed by ſaid Board, or any member thereof, ſhall be by them returned, with their doings thereon, into the Clerk's Office of the Court, from which the proceſs for committing ſuch priſoner to gaol, ſhall have iſſued; and the place to which ſuch priſoner ſhall be removed by virtue of ſuch order, ſhall be conſidered as the gaol of the county of Suffolk; and every priſoner removed as aforeſaid, for the cauſes aforeſaid, ſhall not thereby be conſidered as having committed any eſcape, ſo as to prejudice either himſelf, his bondſmen, or the perſons who had the cuſtody of him in his confinement aforeſaid.

Burying grounds.

SECT. 11. *Be it further enacted*, That the ſaid Board of Health of the town of Boſton are hereby authorized and empowered, from time to time, to make and eſtabliſh rules, orders and regulations for the interment of the dead in ſaid town, to eſtabliſh the police of the Burying Grounds, appoint and locate the places where the dead may be buried in ſaid town, and cauſe the places for the depoſit of the dead in ſaid town, and the Burying Grounds, to be repaired and properly encloſed.

Funerals.

Alſo to make regulations for funerals and funeral proceſſions, and appoint all neceſſary Officers and perſons to carry the ſame into effect, and to appoint to them their duties and fees; and ſhall alſo have the power to eſtabliſh ſuch penalties for the violation of any ſuch rules, orders and regulations, as they may think proper: *Provided*, no one penalty for any one violation ſhall exceed the ſum of fifty dollars. And all ſuch rules, orders or regulations, ſo as aforeſaid made and eſtabliſhed by ſaid Board, ſhall be obeyed by every perſon, from and after the ſame have been publiſhed in two of the newſpapers printed in Boſton, and ſhall continue in full force, until the ſame are altered or repealed by the ſaid Board, who made and eſtabliſhed them, or by ſome ſucceeding Board.

Proviſo for penalties.

Permits.

SECT. 12. *Be it further enacted*, That the ſaid Board of Health ſhall have power to grant permits for the removal of any nuiſance, infected article, or ſick perſon, within the town of Boſton, when they think it ſafe and proper ſo to do; and

ſaid Board, whenever they think juſtice requires it, may ſtop, diſcontinue, diſcharge or compromise any ſuit, complaint or information, originating under this Act. And all fines, forfeitures, penalties, ſums to be paid or recovered, ariſing under any of the proviſions of this Act, ſhall be proſecuted for, by and in the name of "The Board of Health of the town of Boſton," by complaint or information by ſaid Board, to be made in writing to ſome Juſtice of the Peace within and for the county of Suffolk; which ſaid Juſtice, upon ſaid complaint or information being made to him as aforeſaid, ſhall receive the ſame, and thereupon iſſue his warrant, therein reciting the ſaid complaint or information, directed to the Sheriff of the county of Suffolk or either of his Deputies, or any Conſtable of the town of Boſton, commanding them, or either of them, to ſummon the party informed againſt or complained of, to appear before him at a time and place to be named in ſaid warrant, to ſhew cauſe, if any they have, why they ſhould not pay the ſum demanded of them in ſuch complaint or information: which ſaid warrant, ſhall by the officer who receives the ſame, be ſerved on the party informed or complained againſt as aforeſaid, at leaſt ſeven days before the day in ſaid warrant ſtated, as the ſaid day of trial, by giving ſuch party in hand, a copy of ſuch warrant, reading the ſame to him, or leaving a copy thereof at the laſt and uſual place of the abode of ſuch party; and if ſuch party ſhall not appear at the time and place appointed, or appearing ſhall not ſhow ſufficient cauſe as aforeſaid, the ſaid Juſtice ſhall proceed to render judgment in every ſuch caſe, that the ſaid Board of Health ſhall recover ſuch ſum in damages or as fine, as the caſe may be, as according to the proviſions of this Act, they ought by law to recover, with coſts, and ſhall proceed to iſſue his execution therefor, in the ſame manner as executions iſſue from Juſtices of the Peace in civil caſes triable before them; and ſuch executions ſhall be ſerved and made returnable in the ſame manner as executions in civil actions are by law ſerved, and made returnable, which iſſue on judgments rendered in the Supreme Judicial Court of this Commonwealth: *Provided however*, that in all ſuch proſecutions as aforeſaid, if the ſaid Board of Health ſhall diſcontinue ſuch proſecution or become nonſuit, or the ſame on the merits ſhould be decided by ſuch Juſtice trying ſuch proſecution againſt them, in every ſuch caſe, the ſaid party informed againſt and complained of, ſhall recover his legal coſts againſt ſaid Board, which coſts ſhall be paid by the Treaſurer of the town of Boſton. And in every proſecution under this Act, before any Juſtice of the Peace as aforeſaid, the party complained againſt in ſuch proſecution, be-

May proſecute.

Forms of Proceſs.

Proviſo.

ing diſſatisfied with the judgment in the ſame, given by ſuch
Appeals. Juſtice, may appeal therefrom to the Boſton Court of Common Pleas, next to be holden at Boſton, within and for the county of Suffolk, after ſuch judgment is ſo as aforeſaid given, or rendered by ſuch Juſtice; *provided* ſuch appeal be entered within twenty-four hours after ſuch judgment is given as aforeſaid; and the ſame proceedings in all reſpects relating to ſuch appeal, ſhall be had as are by law required on appeals from judgments rendered in civil cauſes by Juſtices of the Peace in this Commonwealth; and on the entry of ſuch appeal in ſaid Court, the ſaid Court ſhall have cognizance and juriſdiction of the ſame, and ſhall proceed to hear and determine the ſame in the ſame manner, and award execution in the ſame way and manner as they have cognizance and juriſdiction, proceed to hear and determine and award execution in civil cauſes, on appeals to them from judgments given by Juſtices of the Peace in this Commonwealth. And in all caſes of ſuch appeals on proſecutions under this Act, the party prevailing in the ſaid Court ſhall recov-
Costs. er his coſts, to be paid in the manner preſcribed in this ſection of this Act: *Provided however*, that no appeal ſhall be allowed or granted to ſaid Court in any proſecution under the proviſions of this Act, where the amount of the judgment rendered, and had before, and by any Juſtice of the Peace, ſhall not amount to more than five dollars excluſive of coſts. And all fines and forfeitures recovered by ſaid Board of Health, under the proviſions of this Act, ſhall inure to the uſe of the inhabitants of the town of Boſton, and be accounted for by ſaid Board of Health, to and with the Town Treaſurer of ſaid town of Bo-
Proviſo. ſton. *And provided alſo*, that in conſequence of ſaid appropriation of ſaid fines and forfeitures, or the appropriation of any other monies by virtue of this Act, no inhabitant of the ſaid town of Boſton ſhall be diſqualified as a Juſtice of the Peace, a witness or juror in any proſecution under this Act, nor ſhall the ſaid Board of Health or any Member of the ſame, or any officer of the ſame, be rendered thereby incompetent witneſſes in any proſecution under this Act; and the Members of ſaid Board of Health, while they continue in ſuch office, ſhall be
Exemptions. exempted from all militia duty and every other duty and ſervice, which by law the Seleſtmen of towns in this Commonwealth are exempted from: and all laws heretofore made relating to a Board of Health in the town of Boſton, ſo far as they are inconſiſtent with or contrary to the proviſions of this
Acts repealed. Act, ſhall be, and the ſame are hereby repealed. *Provided however*, that the election of the preſent Board of Health for the ſaid town of Boſton, and all their doings under the ſaid laws

are hereby confirmed, and they shall have and exercise all the powers and duties required or permitted by this present Act; *and provided also*, that all prosecutions now pending, shall be proceeded in, in the same way and manner, as though this Act had never been passed. And in all prosecutions under this Act, the persons prosecuted, may plead the general issue, and give any special matter in evidence under the same; and the complaint, information, pleadings or proceedings in any prosecutions under this Act, may, by leave of Court, before whom the same is, or may be pending, be amended in any state of such prosecution, without the payment of costs by either party.

May plead the general issue.

[Approved by the Governor, June 20, 1816.]

An Act to prevent the Spreading of contagious Sickness.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That for the better preventing the spreading of infection, when it shall happen that any person or persons coming from abroad, or belonging to any town or place within this State, shall be visited, or shall lately before have been visited with the plague, small pox, pestilential or malignant fever, or other contagious sickness, the infection whereof may probably be communicated to others, the Selectmen of the town where such person or persons may arrive, or be, are hereby empowered to take care and make effectual provision in the best way they can, for the preservation of the inhabitants, by removing such sick or infected person or persons, and placing him or them in a separate house or houses, and by providing nurses, attendance, and other assistance and necessaries for them; which nurses, attendance, and other assistance and necessaries, shall be at the charge of the parties themselves, their parents or masters (if able) or otherwise at the charge of the town or place whereto they belong; and in case such person or persons are not inhabitants of any town or place within this State, then at the charge of the Commonwealth.

Selectmen to remove and accommodate persons sick with contagious distempers.

SECT. 2. *And be it further enacted*, That any person or persons coming from any place out of this State, where the small pox or other malignant distemper is prevailing, into any town within this State, shall, when thereto required by the Selectmen of such town, within the space of two hours from the time they shall be first informed of their duty by law in this particular, give notice to one or more of the Selectmen, or the Clerk of

Person arriving from places infected, to inform Selectmen.

such town, of their coming there, and of the place from whence they came, upon pain of forfeiting, in case of neglect, the sum of *one hundred dollars.* And such person or persons, if not disabled by sickness, shall, within the space of two hours after warning given to him or them by the Selectmen of such town for that purpose, depart from this State, in such manner and by such road, as the said Selectmen shall direct; and in case of refusal, it shall be lawful for any Justice of the Peace in the county where such town may lie, by warrant directed to a constable or other proper officer, or other person whom the Justice shall judge proper, to cause such person or persons to be removed into the State from whence he or they may have come; and any person removed by warrant as aforesaid, who, during the prevalence of such distemper, shall presume to return into any town of this State, without liberty first obtained from such Justice, shall forfeit and pay the sum of *four hundred dollars:* And any inhabitant of this State, who shall entertain in his house any person warned to depart as aforesaid, for the space of two hours after notice given him of such warning, by one or more of the Selectmen aforesaid, shall forfeit and pay the sum of *two hundred dollars.*

Such persons shall depart, if so directed by the Selectmen.

Penalty for returning, without previous permission.

Penalty for retaining persons warned to depart.

SECT. 3. *And be it further enacted,* That it shall and may be lawful for the Selectmen of any town near to, or bordering upon, either of the neighbouring States, to appoint by writing under their hands, some meet person or persons to attend at ferries or other places by or over which passengers may pass from such infected places; which person or persons so appointed, shall have power to examine such passengers as they may suspect to bring infection with them, and, if need be, to hinder and restrain them from travelling, until licensed thereto by a Justice of the Peace within such county, or by the Selectmen of the town in which such person or persons may come; and any passenger, who coming from such infected place, shall (without license aforesaid) presume to travel within this State, unless it be to return by the most direct way to the State from whence he came, after he shall be cautioned to depart by the person or persons appointed as aforesaid, shall forfeit and pay the sum of *one hundred dollars;* the several forfeitures aforesaid to be recovered by action of debt in any Court of Record proper to try the same; one moiety to and for the use of the town where the offence shall be committed, the other moiety to the use of the person who may sue for the same.

Persons may be appointed to attend at ferries, &c.

Their power.

SECT. 4. *And be it further enacted,* That if need be, any two Justices of the Peace may make out a warrant, directed to the Sheriff of the County, or his Deputy, or Constable of the town, or place where any such sick person or persons may be,

Sheriffs, &c. may be required to remove infected persons or take up houses, &c.

requiring them or any of them, in the name of the Commonwealth, with the advice and direction of the Selectmen of the ſame, to remove ſuch infected perſon or perſons, or to impreſs and take up convenient houſes, lodging, nurſes, attendance and other neceſſaries, for the accommodation, ſafety and relief of the ſick. And ſuch Sheriff, his Deputy and Conſtable, are hereby authorized and required to execute ſuch warrant accordingly.

Baggage, goods, &c. to be ſecured, if infected.

SECT. 5. *And be it further enacted*, That whenever there may be brought into any town within this State, either from any other town therein, or from parts without the State, any baggage, clothing or goods of any kind whatſoever, and it ſhall be made to appear by the Selectmen of the town to which ſuch baggage, clothing, or other goods ſhall be brought, or by the major part of ſuch Selectmen, to the ſatisfaction of any Juſtice of the Peace, that there is juſt cauſe to ſuſpect ſuch baggage, clothing, or other goods, to be infected with the plague, ſmall pox, peſtilential fever, or other malignant contagious diſtemper, it ſhall be lawful for ſuch Juſtice of the Peace, and he is hereby required in ſuch caſe, by warrant under his hand and ſeal, directed to the Sheriff, or his Deputy, or any Conſtable of the town in which ſuch baggage, clothing, or other goods ſhall be, requiring him to impreſs ſo many men as ſaid Juſtice ſhall judge neceſſary to ſecure ſuch baggage, clothing, or other goods, and ſaid men to poſt as a guard and watch over the houſe or other place or places where ſuch baggage, clothing, or other goods ſhall be lodged; which guard and watch are hereby required to take effectual care to prevent ſuch baggage, clothing, or other goods, being removed or intermeddled with, by any perſons whatſoever, until due inquiry be made into the circumſtances thereof; requiring likewiſe the ſaid Sheriff, his Deputy, or the Conſtable aforeſaid, if it ſhall appear neceſſary, with the advice and direction of ſaid Selectmen, to impreſs and take up convenient houſes or ſtores, for the receiving, lodging and ſafe keeping of ſuch baggage, clothing, or other goods, until the ſame ſhall be ſufficiently cleanſed from infection: And in caſe it ſhall appear highly probable to the ſaid Juſtice, that ſuch baggage, clothing, or other goods, are infected as aforeſaid, he is hereby empowered and directed to iſſue his warrant in manner as aforeſaid, requiring ſaid Sheriff, his Deputy, or any Conſtable, or other perſon therein ſpecially named, to remove ſaid baggage, clothing, or other goods, to ſome convenient place, where there ſhall be the leaſt danger of the infection ſpreading; there to remain, until the ſame ſhall be ſufficiently aired and freed from infection in the opinion of ſaid Selectmen: And the ſaid Sheriff, Deputy Sheriff, or Conſtable, in the execution of ſaid warrants, are empowered and directed, if need be, to break up any houſe, ware-houſe, ſhop or other place, particularly

To be guarded.

If neceſſary, to be ſtored till freed from infection.

Or may be removed at a diſtance.

Ware houſes, &c. may be broken up in ſearch of infected baggage, &c.

mentioned in said warrant, where such baggage, clothing, or other goods shall be; and in case of opposition, to require such aid as shall be necessary to effect the execution of said warrants, and repel such opposition; and all persons are hereby required, at the commandment of either of the said officers, having either of the warrants aforesaid, under penalty of *ten dollars*, to be recovered before any Justice of the Peace in the County where such opposition may happen, to assist such officer in the execution of the same warrant, against any opposition as aforesaid; and the charges of securing such baggage, clothing, or other goods, and of airing and transporting the same, shall be borne and paid by the owners thereof, at such rates and prices as shall be set and appointed by the Selectmen of the town, where such baggage, clothing or other goods shall be, to be recovered by action of debt, by any person or persons who may have been employed in the business aforesaid, in any Court of Record proper to try the same.

Citizens are to afford assistance, if called upon.

Expenses of removal, &c. to be defrayed by the owners.

Inquiry to be made of vessels passing the Castle.

SECT. 6. *And be it further enacted*, That inquiry shall be made by the officer or other person on duty at the Castle in the harbour of *Boston*, of every vessel coming from sea, and passing by the said Castle, whether any infectious sickness be on board, or has been on board, since such vessel left the port from whence she last came; and if any such vessel has any sickness on board, or has had any on board, since her leaving such port, in such case, orders shall be given by said officer, or other person on duty, to the master or commander of such vessel, immediately to anchor, and to remain at anchor until a certificate shall be obtained from the major part of the Selectmen of the town of *Boston*, that they are of opinion such vessel may come up to the town without danger to the inhabitants, or until the said master or commander shall receive orders from the said Selectmen to anchor his vessel near the Hospital on *Rainsford Island*, in the harbour of *Boston*. And in case any master or commander of a vessel shall, by himself or the people on board, make false answer, when inquired of as aforesaid, by the officer or other person on duty as aforesaid, or after orders are given as aforesaid, shall neglect or refuse to anchor near the Castle as aforesaid, or come on shore, or suffer any passenger or other person belonging to the vessel to come on shore, or any goods to be taken out before the vessel shall have anchored, or without liberty from the Selectmen as aforesaid; or in case any master or commander of a vessel ordered to anchor near the Hospital aforesaid, shall neglect or refuse so to do; in every such case, every master or commander so offending, shall forfeit and pay for each offence the sum of *four hundred dollars*, or suffer six months imprisonment.

Vessels to be detained, if conceived infectious.

Penalty for falsely answering at the Castle.

SECT. 7. *And be it further enacted*, That upon application made to the Selectmen of the town of *Boston*, by any master or commander of any vessel at anchor near the Hospital as aforesaid, the said Selectmen are hereby empowered to permit such passengers, goods, or lading, as they shall judge free from infection, to come on shore, or to be taken out and disposed of as the owners shall see fit; and such passengers and goods as shall not be permitted as aforesaid, shall remain on board, or be landed on said Island: And if any master or commander of any such vessel, for the time being, shall come on shore, or suffer any of his people or passengers to come on shore, or any boat to come on board, or suffer any goods to be taken out of his vessel, unless permitted as aforesaid, or shall come up to said town, with his vessel, until by a certificate under the hands of said Selectmen, or the major part of them, it shall appear that said vessel, company and goods are clear of infection, and the orders for stopping the same be removed or taken off, he shall for every such offence forfeit the sum of *two hundred dollars*; and in case he be not able to pay that sum, he shall suffer three months imprisonment; and if any sailors or passengers, coming in said vessel, shall, without the knowledge or consent of the master or commander, presume to come on shore, or up above the Castle aforesaid; or if any person shall knowingly presume to go on board from shore, or go to the aforesaid House or Island in time of infection there, without leave as aforesaid; or if any person put sick into the said house, or sent there on suspicion of being infected, shall presume to go off the said Island without leave as aforesaid; any person offending in any of the particulars above mentioned, shall forfeit the sum of *two hundred dollars*; and in case such person be not able to pay said forfeiture, he shall suffer two months imprisonment. All prosecutions for offences contrary to this and the preceding section, shall be by indictment or information in the Supreme Judicial Court or Court of General Sessions of the Peace; and one moiety of all fines mentioned in said sections, shall be to the use of the town of *Boston*, and the other moiety to the use of the Selectmen of said town for the time being, whose particular duty it is hereby made to prosecute therefor.

Goods supposed free from infection may be permitted to be landed.

Persons landing or holding communication with persons on shore, forbidden till legally permitted

SECT. 8. *And be it further enacted*, That whenever any ship or vessel, wherein any infection or infectious sickness hath lately been, shall come to any harbour within this State; or whenever any person or persons belonging to, or that may either by sea or land come into any town or place near the public Hospital aforesaid, shall be visited, or shall lately before have been visited with any infectious sickness, two of the Justices of the Peace or Selectmen of such place, be, and hereby are empowered immediately to order the said vessel and sick persons

Vessels may be ordered to Hospital Island.

to the ſaid Hoſpital, there to be taken care of according to the directions of this Act: And where any ſuch ſhip, veſſel, or perſons, cannot, without great inconvenience and damage, be ordered to the aforeſaid Hoſpital, in any ſuch caſe, the rules and directions are to be obſerved which are provided in the firſt enacting clauſe of this Act. And in caſe the maſter or mariners of any veſſel ordered to the Hoſpital as aforeſaid, ſhall refuſe or delay, for the ſpace of ſix hours after ſuch order being given to ſaid maſter, or either of the owners of ſaid veſſel, or of the factors, or either of ſaid owners of the goods, to come to ſail, if wind and weather permit, in order to proceed to ſaid Hoſpital, ſuch maſter ſo refuſing, ſhall forfeit and pay the ſum of *four hundred dollars;* and each mariner ſo refuſing, the ſum of *one hundred dollars;* and in caſe they be not able to pay ſaid ſums, they ſhall ſuffer ſix months impriſonment; one half of ſaid fine to be to the informer, and the other half to the poor of the town or diſtrict, to which ſuch port or harbour belongs, and to be recovered in any Court of Record proper to try the ſame, by indictment or information

In caſe of refuſal to go to the Hoſpital.

Perſons refuſing to anſwer properly, when queſtioned by the Selectmen.

SECT. 9. *And be it further enacted*, That if any maſter, ſeaman or paſſenger, belonging to any veſſel on board which any infection is, or may have lately been, or ſuſpected to have been, or which may have come from any port where any infectious mortal diſtemper prevails, ſhall refuſe to make anſwer on oath to ſuch queſtions as may be aſked him or them relating to ſuch infection, by the Selectmen of the town to which ſuch veſſel may come, (which oath the ſaid Selectmen are hereby empowered to adminiſter) ſuch maſter, ſeaman, or paſſenger, ſo refuſing, ſhall forfeit the ſum of *two hundred dollars;* and in caſe he be not able to pay ſaid ſum, he ſhall ſuffer ſix months impriſonment; ſaid penalty to be adjudged on proſecution by indictment or information in any Court proper to try the ſame; one moiety of ſaid fine to the uſe of the town where the offence may be committed, and the other moiety to the uſe of the Selectmen thereof, whoſe particular duty it is hereby made to proſecute therefor.

Nurſes, &c. to be provided.

And the Selectmen of *Boſton* are hereby authorized and directed to provide nurſes, aſſiſtance, and other neceſſaries, for the comfort and relief of ſuch ſick perſons as may be ſent to ſaid Hoſpital as aforeſaid: The charge thereof to be borne by the ſaid perſons themſelves, if able; or if poor and unable, by the towns to which they reſpectively belong; or if not inhabitants of any particular town, or other place within this State, then by the Commonwealth.

SECT. 10. *And be it further enacted*, That whenever the ſmall pox, or other mortally infectious diſtemper ſhall prevail in any of the towns wherein the Supreme Judicial Court of

this Commonwealth, the Courts of Common Pleas, or General Seſſions of the Peace are to be holden, at the times preſcribed by law, or by their own adjournment, for their ſitting in ſuch town, the Juſtices of the ſaid Courts reſpectively are hereby empowered to adjourn and hold ſaid Courts in any town within the ſame County, by proclamation to be made in the ſhire town, or as near the ſame as ſafety will in their opinion permit.

Courts may adjourn from infectious towns.

Sect. 11. *Be it further enacted*, That each town or diſtrict in this Commonwealth may, at their meeting held in March or April annually, or at any other meeting legally warned for the purpoſe, when they ſhall judge it to be neceſſary, chooſe and appoint a Health Committee, to conſiſt of not leſs than five, nor more than nine ſuitable perſons, or one perſon to be a Health Officer, whoſe duty it ſhall be to remove all filth of any kind whatever, which ſhall be found in any of the ſtreets, lanes, wharves, docks, or in any other place whatever, within the limits of the town to which ſuch Committee or Health Officer belongs, whenever ſuch filth ſhall in their judgment endanger the lives or the health of the inhabitants thereof: all the expenſes whereof to be paid by the perſon or perſons who placed it there, if known, or if not, by the town by which ſaid Committee or Health Officer was appointed. And whenever any filth as aforeſaid ſhall be found on private property, ſaid Committee or Health Officer ſhall notify and order the owner or occupier thereof, after twenty four hours notice, to remove the ſame, at their own expenſe; and in caſe ſaid owner or occupier ſhall neglect to remove ſuch filth from his or her property, after the expiration of the time aforeſaid, he or they ſo offending ſhall forfeit and pay a fine of *one hundred dollars*, to be ſued for and recovered with coſts of ſuit by ſaid Committee or Health Officer, before any Court proper to try the ſame, for the uſe of the poor of the town in which ſuch offence is committed. And ſaid owner or occupier as aforeſaid ſhall be liable and obliged to repay to ſaid town all coſt and charges which the ſaid Committee or Health Officer may have incurred in removing the filth from his or her property; and in caſe of refuſal to pay the ſame, he or they may be ſued in the ſame way as is provided in this Act for the recovery of fines as aforeſaid.

Health Committee or Officer may be appointed.

Sect. 12. *And be it further enacted*, That whenever any veſſel ſhall arrive at any port other than *Boſton* within this Commonwealth, having on board any perſon viſited with the plague, ſmall pox, malignant fever, or any other peſtilential diſeaſe, the maſter, commander, or pilot thereof, ſhall not bring ſuch veſſel up near the town of the port where ſhe firſt arrives, until liberty be firſt granted in writing by the Selectmen thereof; but they may bring ſuch veſſel to an anchor in ſuch place below

Infectious veſſels, how to be diſposed of at other towns than Boston.

the town as will be moſt for the ſafety of the inhabitants thereof, and the preſervation of the veſſel and the people on board, there to wait for orders from the Selectmen of ſuch town before any paſſenger or perſon belonging to, or any thing on board the ſame be brought on ſhore; and any maſter or commander of ſuch veſſel, who ſhall be found guilty of a breach of the law contained in this ſection, ſhall forfeit and pay a fine of *two hundred dollars* for every ſuch offence, upon conviction thereof before any Court proper to try the ſame; and any Pilot who may go on board any ſuch veſſel and pilot the ſame up to the town, without liberty firſt had and obtained from the Selectmen thereof as aforeſaid, ſhall, upon conviction in manner as aforeſaid, forfeit and pay a fine of *fifty dollars* for every ſuch offence; all which fines contained in this ſection may be ſued for and recovered with coſts of ſuit, in manner as aforeſaid, by the Selectmen of the town where the offence is committed, to and for the uſe of the ſame town.

Previous laws repealed.

SECT. 13. *And be it further enacted*, That a law of this Commonwealth, made in the year one thouſand ſeven hundred and one, providing in caſe of ſickness; one other law made in addition thereto, in the year one thouſand ſeven hundred and fifty-one; one other law made in the year one thouſand ſeven hundred and thirty, empowering Courts to adjourn and remove from the towns appointed by law for holding Courts, to other towns, in caſe of ſickneſs by the ſmall pox; one other law made in the year of our Lord one thouſand ſeven hundred and fifty-ſeven, for regulating the Hoſpital on *Rainsford's Iſland*, and further providing in caſe of ſickneſs; one law paſſed the next year in addition thereto; one other law made in the year one thouſand ſeven hundred and forty-two, to prevent the ſpreading of the ſmall pox, and other infectious ſickneſs, and to prevent the concealing the ſame, be, and they are hereby repealed; except that the ſame ſhall remain in force for the purpoſe of recovering all fines incurred by force thereof.

[This Act paſſed *June* 22, 1797.]

An Act in addition to an Act, entitled, "An Act to prevent the Spreading of contagious Sickness."

Preamble

WHEREAS it it neceſſary that ſome further proviſion ſhould be made by law, to require veſſels to perform quarantine, for the ſafety of the people in this Commonwealth:

SECT. 1. *Be it enacted by the Senate and Houſe of Repreſentatives, in General Court aſſembled, and by the authority of the ſame*, That whenever it ſhall appear to the Selectmen of any ſeaport

town within this Commonwealth (other than *Boſton* and *Salem*) that the ſafety of the inhabitants thereof requires, that any veſſel, or veſſels, which ſhall arrive in any harbour or river within this Commonwealth, from any port or place, ſhould perform quarantine, the Selectmen of any town where ſuch veſſel ſhall ſo arrive, are hereby required and empowered to cauſe ſuch veſſel or veſſels to perform quarantine, at ſuch place as they ſhall appoint, and under ſuch reſtrictions and regulations as they may judge expedient; and any owner, maſter or ſupercargo, officer, ſeaman or conſignee of ſuch veſſel or veſſels, or any other perſon who ſhall neglect or refuſe to obey the orders, directions, rules, regulations and reſtrictions of the ſaid Selectmen, reſpecting the ſaid quarantine, and ſhall be convicted thereof, upon indictment or information, before the Supreme Judicial Court or Court of General Seſſions of the Peace, held in the county where the offence may be committed, ſhall forfeit and pay a ſum not exceeding *five hundred dollars*, or be impriſoned for a term of time not exceeding ſix months, or both, at the diſcretion of the Court having cognizance of ſuch offence.

Selectmen authorized.

Penalty for disobeying orders, directions, &c. of Selectmen.

Sect. 2. *Be it further enacted*, That when any maſter or commander of any veſſel ſhall come up to any ſeaport town aforeſaid, with his ſaid veſſel, after notice given to him by any perſon or perſons whomſoever, that a quarantine has been directed by the ſaid Selectmen for all veſſels coming from the port or place from which ſuch maſter or commander ſhall have arrived; or ſhall falſely or fraudulently attempt to elude the directions of the ſaid Selectmen, by falſe and unfounded declarations of the port or place from whence he came; or ſhall land, or ſuffer to be landed from his veſſel, any perſon or perſons, or apparel, bedding, goods or merchandize whatſoever, without the permiſſion of the ſaid Selectmen,—every ſuch maſter or commander ſhall, upon conviction thereof in manner and form pointed out in the firſt ſection of this Act, forfeit and pay a ſum not exceeding *five hundred dollars*, or ſuffer impriſonment for a term not exceeding ſix months, or both, at the diſcretion of the Court having cognizance of ſuch offence.

Attention to be paid to any information of quarantine.

No perſon or thing to be landed.

Penalty.

Sect. 3. *Be it further enacted*, That whenever the ſaid Selectmen ſhall think it neceſſary to order all veſſels which ſhall or may arrive at any of the ſeaport towns aforeſaid, from any particular port or ports, to perform quarantine, and ſhall give notice of ſuch order to the Pilots of the ſaid ſeaport towns; it ſhall be the duty of ſuch Pilots to make known the ſaid order to the captains or maſters of all veſſels which they ſhall board. And if any Pilot, after notice given to him as aforeſaid, ſhall neglect to make known the ſaid order, or ſhall pilot any ſuch veſſel up to any town aforeſaid, he ſhall, upon conviction

When Selectmen ſhall order quarantine, Pilots directed to make it known to Captains, &c.

thereof in manner and form pointed out in the firſt ſection of this Act, forfeit and pay a fine not exceeding *one hundred dollars*.

Penalty.

Red flags to be hoisted.

SECT. 4. *Be it further enacted*, That the Selectmen of each of the ſeaport towns aforeſaid, ſhall provide, at the expenſe of ſuch towns, a ſuitable number of red flags, of three yards at leaſt in length; and the maſter of every veſſel ordered to perform quarantine, for the purpoſe of purification, ſhall hoiſt one of ſaid flags on the head of the mainmaſt, there to be kept during the whole time, ſo long as ſaid veſſel or veſſels are performing quarantine; and no perſon during the time ſhall go on board, except thoſe employed by the ſaid Selectmen; and every perſon who ſhall tranſgreſs by going on board any ſuch veſſel, ſhall be conſidered as contaminated with infection, and held to undergo purification in the ſame manner, and under the ſame regulations and reſtrictions, as thoſe perſons who are performing quarantine on board ſuch veſſel or veſſels, and ſhall there remain until diſcharged by order of ſaid Selectmen, who, by any perſon or perſons employed by them, may forcibly detain ſuch perſon or perſons tranſgreſſing as aforeſaid, for the purpoſe of purifying as aforeſaid.

Persons not to go on board ſuch vessels.

Penalty.

Health Committee or Officer authorized.

SECT. 5. *Be it further enacted*, That in every ſeaport town aforeſaid, where there is a Health Committee or a Health Officer, legally choſen and appointed in manner as directed by the Act to which this is in addition, and the Selectmen of ſuch town ſhall judge it neceſſary, and ſhall certify it under their hands, or the major part of them; ſuch Health Committee or Health Officer are hereby authorized to perform all the duties, and exerciſe all the authority which Selectmen are authorized and required to execute, in requiring any perſon or perſons, veſſel or veſſels as aforeſaid, to perform quarantine in manner as pointed out in this Act.

Appropriation of forfeitures.

Expenses from any vessel, &c. by whom paid.

Case of refusal.

SECT. 6. *And be it further enacted*, That all the forfeitures ariſing from this Act ſhall accrue to the uſe of the town where the offence ſhall be committed; and all expenſes ariſing from any veſſel, perſon or perſons, or effects on board the ſame, performing quarantine as aforeſaid, ſhall be paid by the owner or owners of ſuch veſſel, or effects on board the ſame; and in caſe of refuſal to pay ſuch expenſes, the ſame may be recovered by an action of debt in the name of the Selectmen, Health Committee, or Health-Officer, as the caſe may be, in any Court proper to try the ſame.

[This Act paſſed *February* 26, 1800.]

HEALTH OFFICE,

BOSTON, April 26, A. D. 1819.

ORDERED, That the following RULES and REGULATIONS for the Interment of the Dead in the Town of *BOSTON*, for Funerals and Funeral Processions in said Town, for the Police of Burying-Grounds in said Town, and the following Penalties and Fees respecting the same, be and the same are hereby fixed and established by the *Board of Health of the Town of Boſton*, and that the same commence and have effect from and after the first day of June next.

ARTICLE I.

Police of the Burying Grounds and Cemeteries.

SECT. 1. To execute the Police of the Burying Grounds and Cemeteries, there ſhall be *one* Superintendant elected by ballot, who on acceptance of the truſt ſhall give ſatisfactory bonds for the faithful performance of the duties required, and whose juriſdiction ſhall extend to all the Burying Grounds and Cemeteries within the town, and his Office ſhall be kept in the eaſt corner of Faneuil Hall, Market-Houſe. Appointment and jurisdiction of Superintendant. It ſhall be the duty of the Superintendant to keep the fences, walls and gates of the reſpective Grounds and Cemeteries in complete repair, and properly ſecured by locks and bolts; to point out the place, depth and width of every grave to be dug therein; to cauſe the graves to be dug in exact ranges parallel with, and as near to each other as may be; and to ſee that the graves be ſo filled and elevated, and the turf replaced, that water may not ſtagnate thereon;—To cauſe the tombs opened in the reſpective Cemeteries, between the 1ſt of July, and the 30th of September, to be cloſed and pointed with lime within twenty-four hours after the depoſit of bodies therein; and to direct the Wardens of the ſeveral Churches to which Cemeteries belong, to cauſe at leaſt three buſhels of good ſtone lime to be ſlacked therein on the 1ſt and 15th days of July, August and September:—To record in a book to be kept for that purpoſe, the name, age and ſex of each perſon interred; the family to which the deceaſed belonged; the diſeaſe or cauſe of death; and whether citizen or ſtranger; the time when interred; the number of the grave, and the number of the range, where buried, or the tomb where depoſited. His duty.

Grave stones to be erected under the direction of the Superintendant.

SECT. 2. The Superintendant shall permit the family of any person hereafter buried in any grave in the North and South Burial Grounds, to place within 12 months after the burial of such person, a stone of the following dimensions, viz.—length 4½ feet, breadth 1 foot 10 inches, thickness 3½ inches, having the person's name and age, the number of the grave, and the number of the range cut thereon, placed perpendicular 6 inches from the head of the grave, and settled in the earth 18 inches from a level surface; which, being recorded by the Superintendant, such grave shall be reserved for the use of the same family for 20 years; and graves may be re-opened for members of the same family, provided the top of any coffin put therein be not within three feet of the surface of the ground. The bottom of the first coffin buried in any grave in the North Burying Ground shall be at least eight feet from the surface of the ground; and the bottom of the first coffin buried in any grave in the South Burying Ground, shall be at least six feet six inches from the surface of the ground.

Graves may be re-opened.

New graves not permitted until.

SECT. 3. A new range of graves shall not be commenced until the preceding range is entirely taken up by the deposit of a body or bodies in each grave.

No temporary deposits without license.

SECT. 4. A corpse shall not be deposited for a temporary purpose in any of the Public Vaults, without the license of this Board.

Corpses deposited shall be removed.

SECT. 5. When a corpse shall be deposited in any of the Public Vaults, the same shall be afterwards removed and interred, agreeably to the regulations of the Board, and in the manner and time expressed in a license of the Board for said deposit. And for a faithful execution of the same, every person concerned in said deposit, removal and interment, shall severally be responsible.

Fees for depositing.

SECT. 6. When a corpse is deposited in a Public Vault, in addition to the Superintendant's fees, there shall be paid to the use of the Town *one dollar* for each adult, and *fifty cents* for each child, to be collected by the Superintendant.

Returns to be made.

SECT. 7. The Superintendant shall, on the Monday of each week, make a return to the Health-Office of the persons interred in the Grounds and Cemeteries in his care; which return shall comprise a copy of all the particulars required to be recorded by the first section of these Regulations; that from such returns this Board, from time to time, may publish Bills of Mortality for the town.

SECT. 8. That if any person should be desirous to remove out of town the body of a deceased friend for interment, it may be lawful so to do, on application to the Superintendant of Burial Grounds, he to attend the time and place of removal; provided no cause should appear, to withhold the permission:—

The applicant subject to pay the Superintendant *twenty-five cents* for his attendance.

ARTICLE II.—*Funeral Cars.*

Superintendant to have charge of the Funeral Cars.

SECT. 1. The Funeral Cars shall be under the care of the Superintendant, and shall be deposited for safe keeping in places provided therefor. It shall be the duty of the Superintendant, to keep them clean and in good repair, he having the approbation of the Burying Ground Committee; and only permit Funeral Undertakers, licensed by this Board, to use the same, on the payment of the fee established by these Regulations. The Superintendant to account monthly to the Treasurer of this Board for such fees.

ARTICLE III.—*Funeral Undertakers.*

Undertakers appointed and licensed.

SECT. 1. A sufficient number of Funeral Undertakers shall be appointed and licensed by this Board, who shall be responsible for the decent, orderly and faithful management of the Funerals undertaken by them; and for a strict compliance with these Regulations. Each Undertaker may employ sober and discreet Porters to assist him; and shall be accountable to this Board for their conduct.—Persons not licensed as Undertakers, are forbid the undertaking of any Funeral, under penalty of twenty dollars for each offence.

ARTICLE IV.—*Funerals, &c.*

Time and manner of Funerals.

Sect. 1. All Funerals shall be between sun-rising and sun-setting, except when otherwise ordered by this Board, in cases of the prevalence of contagious and malignant diseases, and shall pass through or into at least one principal street. There shall be but one bell tolled at any funeral; which bell shall be tolled no longer than one hour, and no oftener than two strokes in a minute; and the bells of the North Church shall not be chimed more than fifteen minutes for one funeral procession. The corpse of every person over ten years of age, shall be conveyed to the grave or tomb in a Funeral Car, to be drawn by not more than two horses: Provided however, That on an extraordinary occasion permission may be obtained of this Board, on regular application, to dispense with any of the rules contained in this article.

Where to bury people of colour.

SECT. 2. The Superintendant shall designate suitable places in the North and South Burying Grounds, for the burial of people of colour, under the direction of this Board.

ARTICLE V.—*Fines, &c.*

Fines for violating Regulations

SECT. 1. If the Superintendant shall violate any or either of these Regulations, he shall, on conviction, forfeit and pay a fine of fifty dollars. If an Undertaker shall violate any or either of

theſe Regulations, he ſhall, on conviction, forfeit and pay a fine of thirty dollars; and if any other perſon or perſons ſhall violate or tranſgreſs them, he or they ſhall, on conviction, forfeit and pay a fine of twenty dollars.

Boar to remove Superintendants, &c.

SECT 2. The Superintendant, Funeral Undertakers and Porters ſhall at all times be removable at the pleaſure of this Board.

ARTICLE VI.—*Fees, &c.*

SECT. 1. There ſhall be collected and paid for ſervices in the execution of theſe Regulations, the following fees, viz.

Fees to the Superintendant.

For the Superintendant.—For each grave dug, fifty-five cents, except for ſuch perſons as are buried at the expenſe of the town. For each tomb or public vault opened, 75 cents. For the record of each perſon buried or entombed, twenty-five cents. For the uſe of the car at each funeral, two dollars; and the ſame with the fees for graves, tombs and public vaults, to be collected from the families of the perſons interred. The recording fees to be paid quarterly by the Board of Health.

Grave 55 cts Tomb 75 cts.

Fees to the Undertakers.

Fees for Undertakers For digging a grave 8 feet deep, and covering the ſame, two dollars and fifty cents; for one 6 feet 6 inches deep, one dollar and fifty-cents; for one 5 feet deep, one dollar and twenty five cents, and for 4 feet deep one dollar. For opening and cloſing a tomb, ſeventy-five cents. For ſervice at the houſe of a perſon deceaſed, in collecting and returning chairs and other attendance, one dollar; for every family notified by requeſt, five cents; for tolling a bell, fifty cents; for placing a corpſe in coffin when requeſted, and removing down ſtairs, one dollar; for the uſe of one horſe in the car, and leader, one dollar and fifty cents; for two horſes, ſeventy-five cents each; for carrying a corpſe from the houſe to the car, and from the car to the grave, tomb or vault, and removal of the ſame from the Public Vault to the place of interment, including the aſſiſtance of funeral porters, and the leader or leaders of the Funeral Car, three dollars.

Additional fee.

SECT. 2. When a corpſe is carried into a church, the Funeral Undertaker may make an additional charge of two dollars; and whenever the ground ſhall be frozen, the charge of digging graves may be augmented at the diſcretion of this Board.

SECT. 3. For burial of children under ten years of age, viz. Digging a grave 3½ feet deep, ſeventy five cents; for ſervice at the houſe, one dollar; tolling bell, fifty cents; carrying the corpſe to the carriage, and from the carriage to the place of depoſit, fifty cents; for the uſe of a pall, twenty-five cents.

SECT. 4. It ſhall be the duty of the ſeveral Undertakers and each of them to ſettle with, and pay over monthly to the Superintendant, the fees provided for in the firſt ſection of this article.

ARTICLE VII.—*Burying Grounds.*

SECT. 1. The Central, Chapel and Granary Burying Grounds are closed so far, that no graves shall be opened or dug, nor tombs built therein, until the further order of this Board. Certain Burying grounds closed.

SECT. 2. The old part of the North Burying Ground is also closed so far, that no graves shall be opened or dug therein, excepting in the places appropriated for the interment of people of colour, under the direction of this Board. Persons may have leave to erect tombs in the new part of the North Burying Ground, and the South Burying Ground, under the direction, and on the conditions prescribed by this Board. Others closed conditionally.

By order of the Board of Health,

BENJAMIN WHITMAN, *President.*

Attest—JAMES ROBINSON, *Sec'ry.*

HEALTH OFFICE,

BOSTON, *April* 26, A. D. 1819.

ORDERED, That the following Rules, Regulations, Restrictions, Qualifications and Directions, shall constitute the Quarantine Regulations of this Board, on all Vessels, &c. which shall arrive within the Harbour of Boston, from any port or place, until the further order of this Board; and that the same be published in the Newspapers employed by this Board, for general information, viz.

ARTICLE I.

Quarantine of Vessels.

SECT. 1. On and after the twentieth day of May annually, and until the twentieth day of October, in each year, a quarantine shall be had of all vessels, their officers, crews, passengers and cargoes, that come within the Harbour of Boston, which are from or have touched at any port or place within the tropics, or from any of the West India Islands, or from any of the British provinces in North America, having arrived there from any of the places herein mentioned, or any port or place where contagious sickness doth or hath recently prevailed—of all vessels on board of which any person shall have died of any disease, or been sick during their homeward passage, excepting vessels coming from places beyond the *Cape of Good*

Hope, where no contagious or malignant diſeaſe was known to be prevalent previous to their departure—or from the Iſlands of *St. Helena*, or *Aſcenſion.*

SECT. 2. The quarantine above directed, ſhall be had near *Rainsford Island*, under the direction of the Principal or Aſſiſtant Phyſician, and other officers of this Board, and ſhall continue on every veſſel which has had *twenty-two* or a leſs number of days paſſage, until ſhe ſhall have made up *twenty five* days from the day ſhe left her laſt port; and on each veſſel which has had *twenty three* or more days paſſage, *ſeventy-two hours*, in addition to ſuch paſſage. And on every veſſel, on board which, during her homeward paſſage, any perſon ſhall have died, (excepting from accident or caſualty) the quarantine ſhall be extended to twenty-five days from the laſt death. And no veſſel ſhall be conſidered as having commenced quarantine, until ſhe ſhall have anchored in her proper ſtation on quarantine ground, as directed by the Principal or Aſſiſtant Phyſician, or other officers of this Board.

Masters, &c, of vessels, to comply with Regulations.

SECT. 3. The maſters, officers, crews and paſſengers of all veſſels when on quarantine, ſhall be ſubject to the Regulations of this Board, and ſuch others as may be adopted by the Principal or Aſſiſtant Phyſician: and the maſter of each veſſel ſhall be accountable for the appearance on board his veſſel, at the time ſhe ſhall be diſcharged from quarantine, of all and every perſon who arrived in her, or who may have been landed from her in any port of the United States, or put on board any veſſel, during her homeward paſſage, caſes of death excepted.

Extraordinary cases.

SECT. 4. In extraordinary caſes, the Committee of the Week is authorized to direct the above period of quarantine to be prolonged.

Physician may discharge certain vessels.

SECT. 5. Veſſels not otherwiſe ſubject to quarantine, having only *Small Pox* on board, may be diſcharged whenever the Principal or Aſſiſtant Phyſician ſhall conſider them free from infection.

Masters of vessels must deliver certificates, &c.

SECT. 6. Every maſter of a veſſel ſhall, within twenty-four hours after being diſcharged from quarantine, deliver at the Health-Office in Faneuil Hall, the certificates and flags he ſhall have received from the Principal or Aſſiſtant Phyſician, or Iſland Keeper, and ſhall, on paying the ſum of ten dollars, receive a counter certificate from the Secretary of this Board, to entitle his veſſel to entry at the Cuſtom-Houſe.

Fees paid to the Physician.

SECT. 7. When any veſſel has been quarantined, examined and attended, and the maſter is deſirous of leaving the ground, with his veſſel, for any other port, he ſhall, previous to his receiving his certificate of diſcharge, pay to the Principal or Aſſiſtant Phyſician the eſtabliſhed fees.

SECT. 8. During the time a veſſel ſhall be on quarantine, on application made to this Board to permit the unloading and conveyance to town of any wine, rum, ſpirits, ſalt, ſugar, molaſſes, mahogany, dye-woods, tobacco, preſerved or other fruits, and ſuch other articles as ſhall be declared incapable of receiving or conveying infection, and when permiſſion to unload the ſame ſhall have been obtained from the Cuſtom-Houſe; it ſhall be lawful for the Committee for the week to authorize the Principal or Aſſiſtant Phyſician of this Board, to permit ſuch articles to be unladen from any veſſel on quarantine, and the ſame to be conveyed to town by Lightermen duly licenſed by this Board for that purpoſe—And the Principal or Aſſiſtant Phyſician ſhall grant a certificate thereof, to be depoſited in the Health-Office, for which 25 cents ſhall be paid And the lighters to be employed in the tranſportation of ſuch uninfected articles, ſhall, when unemployed, be anchored off the ſouth-eaſt part of *Rainsford Iſland;* and the lightermen employed therein, ſhall not be permitted to land in town, without the permiſſion of the Principal or Aſſiſtant Phyſician.

Articles uninfected may be landed.

Lightermen and lighters.

ARTICLE II.

Mediterranean Veſſels.

SECT. 1. Every maſter of a veſſel who, on and after the twentieth day of May annually, and before the twentieth day of October, in the ſame year, ſhall arrive from *Gibraltar*, or at any port or place within the Streights, ſhall carry and anchor his veſſel on quarantine ground, where ſhe ſhall remain until ſhe be examined by the Principal or Aſſiſtant Phyſician, who, in concurrence with the Committee for the week, may permit her to paſs if it appears to them that the public health will not be endangered thereby.—And the maſter of ſuch veſſels ſhall receive a counter certificate from the Secretary of this Board, to entitle his veſſel to entry at the Cuſtom Houſe on his paying him the ſum of five dollars.

Mediterranean vessels.

ARTICLE III.

Veſſels to be Reported.

SECT. 1. The maſters of all veſſels, which, on and after the twentieth day of May annually, and before the twentieth day of October, in the ſame year, ſhall arrive from any port or place not ſubject to quarantine, ſhall, previous to entry at the Cuſtom-Houſe, make report at the Health-Office, in *Faneuil-Hall*, of the ſtate and condition of their crews, paſſengers and cargoes, and of all other circumſtances which may concern the public health. If found to be from a port free of contagious diſeaſe, the maſter of each veſſel ſhall receive a certificate to

Veſſels to be reported.

permit the entry of ſuch veſſel at the Cuſtom-Houſe, for which 25 cents ſhall be paid ; if otherwiſe, the veſſel, crew and paſſengers ſhall be ſent to *Rainsford Iſland*, on quarantine.

ARTICLE IV.

Veſſels from Out-Ports.

Vessels from out-ports.

SECT. 1. Every veſſel which ſhall arrive, and enter at any out-port from any of the ports or places mentioned in the firſt article of theſe Regulations, and ſhall afterwards come to this port, ſhall be ſubject to quarantine, unleſs the maſter produces a correct certificate from the Board of Health, or Selectmen, of ſuch out-port, that ſuch veſſel has been at leaſt twenty-five days from ſuch ports or places ; that during that time no perſon has died, (excepting by accident or caſualty) or been ſick on board ; and that ſuch veſſel has been duly examined, and thoroughly purified or cleanſed.

ARTICLE V.

Infected Veſſels.

Infected vessels.

SECT. 1. All veſſels from any port or place whatever, having on their homeward paſſage had one or more *perſons ſick* on board, ſhall, at *all ſeaſons* of the year, be liable to perform quarantine, if, in the opinion of the Principal or Aſſiſtant Phyſician, it ſhall be neceſſary.

ARTICLE VI.

The Duty and Power of the Principal Phyſician, and Aſſiſtant Phyſician.

Duty and power of the Physicians.

SECT. 1. It ſhall be the duty of the Principal Phyſician of this Board, (when no Aſſiſtant Phyſician reſides on *Rainsford Iſland*) to viſit *Rainsford Iſland* every day when there are three or more veſſels on quarantine ; and, when leſs than three, as often as the Committee for the week ſhall preſcribe. He ſhall direct in what manner veſſels are to be cleanſed ; what articles ſhall be landed, waſhed, buried, or deſtroyed. He ſhall order the ſick to be landed, if neceſſary ; ſhall attend all the ſick at ſaid Iſland, preſcribe according to his beſt ſkill and judgment to their relief, and find all medicine He ſhall be allowed to charge each ſick perſon for ſuch attendance, provided his charge does not exceed three dollars for common caſes ; but he may increaſe the charge for extraordinary caſes, deemed ſuch by the Committee for the week ; and he ſhall report, at leaſt once a week, the number of ſuch ſick perſons under his care at the Iſland, the length of time they have been confined there ; and, when diſcharged, ſhall immediately preſent his account for attendance to the Committee for the week, a

record of which ſhall be entered on the Journal kept by that Committee. He ſhall direct the Pilots where to anchor veſſels; and they are hereby required to obey his directions. He ſhall deliver to the maſter of each veſſel arriving on quarantine, a copy of the Quarantine Regulations of this Board. He may eſtabliſh rules and regulations for the preſervation of good order on the Iſland, to promote the deſigns of quarantine, ſuch rules and regulations being under the control of this Board. He ſhall from time to time report to the Committee for the week, the ſtate of veſſels on quarantine. He ſhall grant a certificate of diſcharge to each veſſel having duly performed quarantine; and generally, it ſhall be his duty to do and perform all things neceſſary to carry the Regulations of Quarantine into complete effect. And when an Aſſiſtant Phyſician ſhall reſide on ſaid Rainsford Iſland, all the duties and powers of the Principal Phyſician contained in this article ſhall devolve upon, and may be executed by ſuch Aſſiſtant Phyſician.

ARTICLE VII.

The Secretary's Quarantine Duty.

Secretary's quarantine duty.

SECT. 1. The Secretary of this Board ſhall receive the Principal or Aſſiſtant Phyſician's certificates of diſcharge; ſhall give counter certificates to entitle ſuch veſſels to entry at the Cuſtom-Houſe, receive the fees required for ſuch certificate, and all other fees, and the ſame pay to the Treaſurer. He ſhall make the neceſſary inquiries of all maſters of veſſels, reporting at this Office; ſhall note the ſame; and ſhall receive and communicate at every meeting of this Board, the reports received from the Iſland.

ARTICLE VIII.

The Iſland Keeper's Duty.

Island Keeper's duty.

SECT. 1. The Iſland Keeper or his Aſſiſtants ſhall attend the purification of all veſſels, clothing, bedding, perſons, &c. at quarantine, agreeably to the directions of the Principal or Aſſiſtant Phyſician; ſhall board and attend the ſick, and find nurſes; and ſhall be allowed five dollars each week for the board and nurſing each ſick perſon at the Iſland; to be collected as the fees of the Principal or Aſſiſtant Phyſician are by law collected or aſſumed; and ſhall employ two perſons to ply the Iſland boat, during the time a general quarantine is required, who ſhall be ſubject to the orders of the Committee of the Quarantine; and ſhall communicate to the Health-Office information of the arrival of veſſels at the Iſland, as they occur; and of any event which may require the attendance of the Principal or Aſſiſtant Phyſician at the Iſland; ſhall carry ſup-

plies to veſſels on quarantine, when delivered on board the boat, and ſhall be held to conform to all the directions of this Board.

Island Keeper's duty when the Physician is absent.

SECT. 2. In the abſence of the Principal and Aſſiſtant Phyſician, the Iſland Keeper or his Aſſiſtant are charged with the police of the Iſland, agreeably to the laws and rules thereof.

ARTICLE IX.

Not visit the Island without permit.

No perſon not on quarantine ſhall be allowed to viſit Rainſford Iſland during the time of quarantine, without producing a permit from the Secretary of this Board, for which 25 cents ſhall be paid for each perſon; but no certificates ſhall be valid, unleſs preſented within twenty-four hours from the date thereof.

ARTICLE X.

SECT. 1. The Board of Health may diſpenſe with any or all the aforeſaid Orders, Rules and Regulations relative to Quarantine, upon ſuch conditions and under ſuch circumſtances as ſaid Board or its Committee, in any particular case, may think proper, conſiſtent with the publick ſafety.

By order of the Board,

BENJAMIN WHITMAN, *Preſident.*

HEALTH OFFICE,

BOSTON, *April* 26, *A. D.* 1819.

ORDERED, That the following RULES and REGULATIONS appear to this Board to be neceſſary, to remove and prevent NUISANCES and Sources of Filth in the Town of *BOSTON*, and the ſame Rules and Regulations are hereby ordered by ſaid Board of Health to have effect, within the limits of ſaid Town of Boſton, and have the force of law, from and after Monday, the twenty-ſixth of April, A. D. 1819.

House Dirt, &c.

Dirt and filth how to be disposed of.

ARTICLE 1. No perſon or perſons ſhall be allowed to throw or bring into any ſtreet, ſquare, lane or alley, any houſe dirt, filth, or ſweepings of any kind, or any decayed vegetable or dead animal ſubſtance. But all ſuch houſe dirt, filth, ſweepings, or vegetable or animal ſubſtance, ſhall be depoſited in ſuch veſſels as will not contain liquids, and kept in ſome convenient ſituation for the drivers or the Scavengers' carts to take away. And no perſon ſhall be allowed to caſt any dead animals, vegetable ſubſtances, or ſweepings of any veſſel, into any

of the docks, the mill-pond, or any other place between the channel and the ſhore; nor to land the ſame, or any foul and infected ballaſt, or other ſubſtance, on any wharf, or landing place, within the town. And any dead animal thrown into the channel ſhall have a ſufficient weight affixed to it, to prevent its floating to the ſhore.

Removal of Dirt, &c.

Removal of Dirt, &c.

ART. 2. When any quantity of dirt, ſaw-duſt, ſoot, ſhavings, ſtraw, hair, animal or vegetable ſubſtance, or filth of any kind, ſhall be found in any cellar, yard, or other premiſes, or be thrown into any ſtreet, ſquare, lane or alley; the owner or occupier of ſuch cellar, yard or other premiſes, where found; or the owner or occupier of the premiſes from whence ſuch dirt, ſaw-duſt, &c. had been removed, ſhall cauſe the ſame to be carried away, at his, or her expenſe, within four hours after notification, in writing, from this Board.—And all carts or waggons employed in the carting earth, clay, ſand or dirt of any kind, ſhall have and uſe good and ſufficient fore and hind boards, and otherways ſufficiently tight to prevent the ſaid earth, ſand, clay, or dirt, from dropping in the ſtreets through which they may paſs.

Waste Water.

Waste Water.

ART. 3. The owners or occupiers of houſes, buildings or lands, ſhall cauſe all *Waſte Water* from their premiſes to be conveyed from their cellars, yards, ſinks, pumps and vacant lands, through drains under ground to common ſewers; or to ſuch reſervoirs ſunk under ground to receive the ſame, as a committee of this Board ſhall approbate.

Vaults, Privies, &c.

Vaults, privies, &c.

ART. 4. The owners of vaults or privies, and the occupiers of the houſe or houſes, ſtore or buildings, to which they belong or are attached, ſhall not permit the contents of ſuch vaults or privies to riſe within two feet of the ſurface of the earth—and every owner, occupier or perſon who improves any vault or privy, in the town Boſton, ſhall conſtantly keep the ſame vault or privy boxed or made tight, ſo that the contents thereof ſhall not eſcape from ſuch vault or privy into the cellar or on to the land of any other perſon, or into or on any ſtreet, lane or alley in the town of Boſton, or on any land belonging to ſaid town of Boſton, or any corporation; and no vault or privy ſhall be emptied without a permit from this Board, and by perſons authorized by this Board for that pur-

poſe. from and after the firſt of April, and until the firſt of November next; at which time, the Inhabitants may employ, from the firſt of November, to the firſt of April next ſucceeding, any perſon they ſhall ſee fit, to empty their neceſſary vaults between the hours of 10 o'clock in the evening, and the sun's riſing, on ſuch terms, and by ſuch perſons as they may elect, the owners of ſuch vaults being accountable to the Board in removing any nuiſance that ſhall happen in ſo doing.

Stables, and Stable Manure.

Stables, and ſtable manure.

ART. 5. The owners or occupiers of livery and other ſtables ſhall not permit more than two cart loads of manure to accumulate and remain in or near their ſtables, at any one time, between the firſt day of May and the firſt day of November, and ſhall keep their ſtables and ſtable yards clean and decent.

Market Stalls.

Regulation of Market ſtalls.

ART. 6. Perſons occupying ſtalls in Faneuil-Hall, Boylſton or Parkman's Market houſes, or the Market-place, and Dock-ſquare, ſhall daily, in the morning, during the months of June, July, Auguſt, September and October, waſh or cleanſe their reſpective ſtalls—They ſhall not permit any heads, feet or offals of dead animals, or vegetables of any kind to remain in or about their ſtalls over night They ſhall take up and remove the platforms of their reſpective ſtalls, on the firſt day of June, and ſhall not replace them until the firſt day of November enſuing; during which period, meats of any kind ſhall not be expoſed in the markets, or any other place within the town, excepting in the ſtalls, carts, or other vehicles, which ſhall be covered from the rays of the ſun; nor expoſe for ſale any mutton or lamb with the feet on the ſame.

Damaged Grain, Rice and Coffee.

Damaged grain, rice and coffee

ART. 7. No perſon ſhall be allowed to land on any wharf, or put on ſhore, from any boat or veſſel, or bring into town by land, any damaged grain, rice, or coffee, without a permit from this Board.

Swine and Goats.

Reſpecting the keeping ſwine and goats.

ART. 8. Swine and Goats ſhall not be kept within the limits of this town by any perſon, without a licenſe from this Board, and in ſuch place and manner as the Board ſhall approve.

Freſh Fiſh.

Freſh fiſh, when permitted.

ART. 9. *All Fiſh*, before brought into this town, ſhall firſt be gutted, and the fiſh made clean. *Freſh Fiſh*, (excepting

ſuch as are named in the ſucceeding article) ſhall not be offered for ſale between the 1ſt day of June, and the 1ſt day of October, unleſs kept in covered ſtalls, fiſh-boxes, or other houſes ſituated over the ſalt water.—And Freſh Fiſh offered for ſale in the ſtreets before the firſt day of June, and after the firſt day of October, ſhall be kept clean in covered carts, barrows, &c.

Salmon and Small Fish.

ART. 10. Salmon, Shad, Baſs, Mackarel, Tautog, Eels, Flounders, Tomcods, Smelts, and other ſmall Fiſh, may be ſold at all times, in any part of the town, provided they be kept ſecure from the rays of the ſun; but venders thereof will be held reſponſible for any nuiſance created thereby. Provided, however, that Salmon and Baſs, brought to town by ſea, may be ſold, and landed therein, when cleanſed of their entrails; which entrails are to be kept on board in tight veſſels, and removed beyond low water mark, at every time of high water—And that no perſon take a ſtand in or near the Faneuil-Hall Market for the ſale of ſuch Fiſh as are allowed by this article, but at the north ſide of ſaid Market Houſe, at the place provided by the Clerk of ſaid market for that purpoſe. Salmon and ſmall fish.

And whereas ſick perſons are much diſtreſſed by the practice of blowing horns, trumpets, and other wind inſtruments, by fiſhermen and others, to call the attention of the people to their occupations and buſineſs, and the ſame is injurious to the health of the inhabitants; therefore, *Ordered*, That horns, trumpets, or other wind inſtruments, ſhall not be blown or ſounded by any Fiſherman or other perſon, to the injury or diſturbance of any ſick perſon.

Oyſters.

ART. 11. Oyſters ſhall not be offered for ſale within the limits of the town, between the 5th day of July and the 1ſt day of September. Oysters.

Feathers, Rags, &c.

ART. 12. Feathers, old or new, ſhall not be landed, or brought within the limits of the town, between the 1ſt day of May, and the 1ſt day of November, without a permit from this Office after a previous examination by the perſon authorized by this Board. And feather and other beds, bedding, clothing, or rags, ſhall not be landed, or brought into this town from any place where any contagious diſeaſe doth, or hath recently prevailed, unleſs by ſpecial permiſſion of this Board. Nor ſhall any clothing or other article, which contains or is affected with Feathers, rags, &c.

any diſeaſe which may communicate any diſorder to any perſon, be landed or brought within the town of Boſton without a ſpecial permit from this Board.

Theſe Regulations, in addition to thoſe enumerated by the Act empowering the Town of Boſton to chooſe a Board of Health, and other laws relating to ſaid Board, being eſſential to the preſervation of the health of the Town, it is the determination of the Board of Health moſt rigidly to enforce their execution, and to proſecute all violators. And, as heavy penalties are by law attached to the breach of any or either of them, the ſaid Board requeſt their conſtituents to cauſe theſe Regulations to be made known to all perſons under their direction, and read to their domeſtics; and alſo to aſſiſt the Board in their due execution. Complaints of any breaches thereof, or any neglect or inattention, in any perſon employed or licenſed by the Board, are ſolicited; and thoſe who complain may rely on all proper ſecrecy.

Determination of the Board to enforce Rules.

BENJAMIN WHITMAN, *President.*

A true copy of Record—James Robinson, *Sec'ry.*

An Act to protect the Sepulchres of the Dead.

Sect. 1. Be *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That if any person, not being authorized by the Board of Health, or the Selectmen of any town in this Commonwealth, shall knowingly and wilfully dig up, remove or carry away, or aid or assist in digging up, removing or carrying away any human body, or the remains thereof, such person or persons so offending, shall, on conviction of such offence, in the Supreme Judicial Court of this Commonwealth, be imprisoned, not more than one year, or fined, not more than one thousand dollars, according to the nature and aggravation of the offence.

Penalty for taking dead bodies.

Sect. 2. *Be it further enacted,* That if any perſon or persons knowingly and wilfully receive, conceal, or dispose of any human body, or the remains thereof, which shall have been dug up, removed, or carried away in the manner described in the first section of this Act, he or they shall be ſubject to the same forfeitures and penalties as in said section is provided, on conviction thereof in the court aforesaid: *Provided however,* That nothing in this act shall be so construed as to affect the power or authority in the courts of the United States, or of this Commonwealth, or of any person acting under the authority of the same, in removing or disposing of the bodies of perſons executed pursuant to any sentence of such court.

Sect. 3. *Be it further enacted,* That all fines, accruing under this Act, shall enure, one half to the informer, and one half to the town in which the offence is committed.

[Approved by the Governor, March 2, 1815.]

IN BOARD OF HEALTH,

BOSTON, APRIL 10, 1819.

VOTED, That the following RULES *and* ORDERS *be adopted for the regulation of the Board the ensuing year, viz.—*

ARTICLE 1.

There shall be a stated Meeting of the Board every Monday, to commence the 19th instant, at 3 o'clock, P. M. until the first week in November, and once a fortnight the remainder of the year. Seven Members shall be necessary to form a Board.

ARTICLE 2.

In the absence of the President, a President *pro tem.* shall be appointed.

ARTICLE 3.

The Members shall take their seats at the Board in numerical order; the Member of Ward No. 1 on the right hand, and the Member from Ward No. 12 on the left hand of the President.

ARTICLE 4.

In all debates, the speaker shall address the President, and there shall be no interruption of a Member speaking, excepting to call him to order.

In all debates, no member shall be allowed to speak to the point in debate, more than twice, without special leave of the Board, nor more than once, while Members who have not spoken wish to speak.

ARTICLE 5.

The majority of votes of the Members present shall be considered as the act of the Board; but any Member may enter his dissent to any measure on the Records of the Board, and no vote shall be re-considered by a less number than there were present when the same was passed.

ARTICLE 6.

No Member of the Board ſhall withdraw himself without leave from the President.

ALTICLE 7.

An inviolable secrecy shall be observed by the Members, of the names of all persons entering complaints, and the Officers of the Board are enjoined strictly to observe this Article.

ARTICLE 8.

Punctuality as to the time of meeting of the Board shall be strictly observed, and no person other than the Officers of the Board shall be admitted during its deliberations.

ARTICLE 9.

The Board shall be divided into Committees of three each, to be styled the Committee for the Week of the Board of Health, the Members of which shall sit daily in rotation, and during their continuance in office shall have power to carry into execution all the Laws, Rules and Regulations of the Board; shall make records of their proceedings for the general inspection of the Members, and whenever they judge it neceesary, call special Meetings of the Board.

ARTICLE 10.

No Member shall be obliged to serve on more than two Committees, excepting the Committee for the Week, unless all the Members are on that number.

ARTICLE 11.

The Treasurer, Secretary and Messenger shall keep books to enter all monies which they may receive and pay belonging to the Board, which books shall at all times be open for the inspection of the Members of the Board.

Med Hist
WZ
270
M413l
1819